

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

GUN OWNERS OF AMERICA, INC.,
et al.,

Plaintiffs,

vs.

MERRICK B. GARLAND, *et al.*

Defendants.

Case No. 1:18-cv-01429-PLM-RSK

Hon. Paul L. Maloney

JOINT STATUS REPORT

Pursuant to this Court’s order dated July 15, 2024, the parties respectfully submit the following joint status report:

1. This case was stayed pending further proceedings in *Cargill v. Garland*, No. 20-51016 (5th Cir. Jan. 6, 2023) “due to the potential impact on this case.” *See Order*, ECF No. 87 (continuing stay). The Supreme Court issued its opinion in Cargill on June 14, 2024. *See* 602 U.S. ____ (2024), available at https://www.supremecourt.gov/opinions/23pdf/22-976_e29g.pdf
2. The Supreme Court held the Defendant Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) exceeded its statutory authority by issuing the Rule, at 83 Fed. Reg. 13442, that classifies a bump stock as a “machinegun” under 26 U. S. C. §5845(b). The Court’s decision held that a semiautomatic rifle equipped with a bump stock is not a “machinegun” as defined by §5845(b), because: (1) it cannot fire more than one shot “by a single function of the trigger” and (2) even if it could, it would not do so “automatically.” *See Opinion* at 4. Therefore, the Court concluded that ATF exceeded its statutory authority. *See Opinion* at 4, 6.

3. On June 15, 2024, the Court also denied the government's petition for a writ of certiorari in *Hardin v. ATF*, No. 20-6380 (6th Cir. Apr. 25, 2023), ECF No. 43. (The rule of lenity applies, thus the National Firearms Act's definition of a "machinegun," 26 U.S.C. 5845(b), does not encompass bump stock devices.)

4. On June 28, 2024, the Court also decided *Loper Bright Enterprises v. Raimondo*, 603 U.S. ____ (2024), together with its companion case, *Relentless, Inc. v. Department of Commerce*, 22-1219. The Court overruled the principle of *Chevron* deference established in *Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837 (1984).

5. Both of these decisions bear on the reasoning of this Court's OPINION AND ORDER Denying Motion for Preliminary Injunction, ECF No. 48, PageID.462. The parties therefore seek to negotiate an appropriate resolution for this case. To afford them time to do so, the parties respectfully request that the Court continue the present stay and propose to file a status report proposing the course of any further proceedings by August 30, 2024.

Dated: August 12, 2024

Respectfully submitted,

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